

Exhibit 14

Peluso, Kimo

From: NYSD_ECF_Pool@nysd.uscourts.gov

Sent: Tuesday, August 31, 2010 10:47 AM

To: deadmail@nysd.uscourts.gov

Subject: Activity in Case 1:10-cv-01599-DAB The Seaport Group LLC v. Dale Earnhardt, Inc. Scheduling Order

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U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 8/31/2010 at 10:46 AM EDT and filed on 8/27/2010

Case Name: The Seaport Group LLC v. Dale Earnhardt, Inc.

Case Number: [1:10-cv-01599-DAB](#)

Filer:

Document Number: [10](#)

Docket Text:

SCHEDULING ORDER: Trial estimated time is 3-4 days with jury. ENDORSEMENT: No consolidation w/ 10 Civ 5910; the Court will not take assignment of that case either. This case put on suspense for 90 days to await determination by Judge Gerber on July 2010 settlement and Assignment objection which could resolve this case. Parties to report to Court in 90 days on status. So Ordered (Signed by Judge Deborah A. Batts on 8/27/2010) (js)

1:10-cv-01599-DAB Notice has been electronically mailed to:

Ronald Gustav Blum rblum@manatt.com, astaltari@manatt.com

Kimo S. Peluso kpeluso@manatt.com, astaltari@manatt.com

Dominic Joseph Picca dpicca@mintz.com, Docketing@mintz.com, cmsmith@mintz.com

Francis John Earley fearley@mintz.com, Docketing@mintz.com

1:10-cv-01599-DAB Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

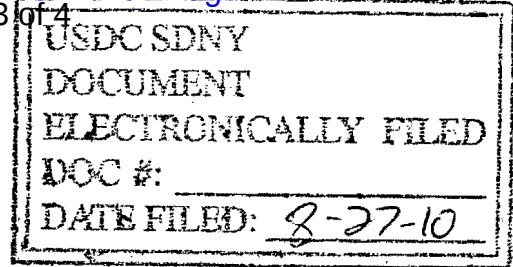
Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=8/31/2010] [FileNumber=7645809-0]
] [67531d8eb5ccb1a41f381541b539532574418683f6bfa9dbe28b85a06a75d53894e
e9b573fd0cb444efd9b349c25a8eda68121321f2d5be34a701ffce75dd3ac]]

9/1/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

THE SEAPORT GROUP LLC,

Plaintiff,

-against-

10 Civ. 01599 (DAB)
SCHEDULING ORDER

DALE EARNHARDT, INC.

Defendant.

-----X

DEBORAH A. BATTS, United States District Judge.

Brynn Lyerly, Law Clerk

(1) Email:

brynn_lyerly@nysd.uscourts.gov

(2) Phone: (212) 805-4617

I. TO BE COMPLETED BY THE PARTIES

Trial: Estimated trial time is 3-4 days.

Jury ☒ Non-Jury ☐ (Please Check.)

II. TO BE COMPLETED BY THE COURT

Pursuant to Fed. R. Civ. P. 16, after holding a pre-trial conference,

IT IS HEREBY ORDERED that:

Pleadings and Parties: Except for good cause shown --

1. No additional parties may be joined after _____.
2. No additional causes of action or defenses may be asserted after _____.

Discovery: Except for good cause explicitly set forth by letter and shown, all discovery, including expert discovery, shall be commenced in time to be completed by _____. The court expects discovery to be completed within 60 days of the first scheduling conference unless, after the expiration of that 60 day period, all counsel stipulate that an additional period of time (**not to exceed 60 more days**) is needed to complete discovery, and the Court approves such extension.

Dispositive Motions: A party contemplating making a dispositive motion must notify opposing counsel and the Court by _____. Except for extraordinary cause shown and subsequent permission of the Court given, no party may make a motion for summary judgment until after the completion of discovery.

Within 10 days of serving its intent to file for summary judgment, the moving party must serve on the opposing side and submit to Chambers a letter no more than two pages in length setting forth the proposed basis for summary judgment. Within 10 days of the receipt of this letter, the opposing side must respond by letter to the moving party's request. These letters shall form the basis of discussion at the pre-motion conference held with the Court. However, if the Court finds that a conference is not necessary, the Court will issue a motion schedule.

ASSUMING NO DISPOSITIVE MOTIONS ARE MADE:

Proposed Requests to Charge and Proposed Voir Dire shall be submitted by _____.

Joint Pre-trial Statement ("JPTS"): A JPTS shall be submitted by _____. The JPTS shall conform to the Court's Individual Practices and Supplemental Trial Procedure Rules.

Memoranda of Law addressing those issues raised in the JPTS shall be submitted by _____. Responses to the Memoranda shall be submitted by _____. There shall be no replies.

Additional Conference(s) _____ at _____.

For non-jury trials only: Proposed Findings of Fact and Conclusions of Law shall be submitted in accordance with the Court's directions.

ANY REQUEST FOR AN EXTENSION MUST BE MADE IN WRITING, AT LEAST ONE WEEK BEFORE THE DEADLINE IN QUESTION, AND MUST STATE THE OTHER PARTY'S POSITION.

Other Directions: Once all papers have been submitted, a final pre-trial conference will be held which shall be attended by trial counsel.

In the event a dispositive motion is made, the dates for submitting the Memoranda of Law, Requests to Charge, Proposed Voir Dire, and JPTS shall be adjourned from those shown above, and shall then begin to run (in the same timing sequence as set forth above) from three (3) weeks from the filing date of the decision on the motion.

Otherwise, if an adjournment is granted, then all subsequent events are simultaneously adjourned in the same timing sequence as set forth above, except any scheduled conferences, which are adjourned sine die.

At any time after the ready for trial date, counsel must notify the Court and their adversaries in writing of any potential scheduling conflicts that would prevent a trial at a particular time, including, but not limited to, trials and vacations. Such notice must come **before** counsel are notified by the Court of an actual trial date, **not after**. Counsel should notify the Court and all other counsel in writing, at the earliest possible time of any particular scheduling problems involving out-of-town witnesses or other exigencies.

All counsel are responsible for having copies of and complying with the contents of the current version of the Court's Individual Practices and Supplemental Trial Procedure Rules, which may be obtained from the Courtroom Deputy or on-line at <http://www.nysd.uscourts.gov/judges/USDJ/batts.htm>. Periodically, the Court will revise its Individual Rules. Notice of these revisions or amendments will be posted in the **New York Law Journal** and copies will be available at the **Cashier's Window** in the Clerk's Office at 500 Pearl Street.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS.

No consolidation w/ 10 Civ 5910; the Court will not take assignment of that case either.

This case put on suspense for 90 days to await determination by Judge Gerber on July 2010 Settlement and Assignment objection, which could resolve this case. Parties to report to Court in 90 days on status.

SO ORDERED.

DATED:

New York, New York

August 27, 2010

Deborah A. Batts

DEBORAH A. BATTS, U.S.D.J.